

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2019 JUN 13 PM 4:31

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY Cj
DEPUTY

LL'S MAGNETIC CLAY, INC. d/b/a
ENVIROMEDICA,

Plaintiff,

-vs-

CAUSE NO.:
AU-17-CA-00649-SS

SAFER MEDICAL OF MONTANA, INC.,
GEORGE S. ACKERSON, and DOES 1-5,
Defendants.

ORDER

BE IT REMEMBERED on June 10, 2019, the Court held a hearing in the above-styled cause, and the parties appeared by and through counsel. In confirmation of its oral pronouncements at the hearing, the Court now enters the following:

IT IS ORDERED that Plaintiff's Motion to Strike Second Amended Counterclaims and/or Motion to Dismiss [#112] is DENIED;

IT IS FURTHER ORDERED that Plaintiff's Motion to Compel Production of Military Records [#115] is GRANTED IN PART and DENIED IN PART;

IT IS FURTHER ORDERED that Defendant George Ackerson shall acquire his military records concerning his disciplinary history during military service and submit those records to the Court under seal for the Court to review;

IT IS FURTHER ORDERED that Plaintiff's Motions to Exclude Testimony of Expert Witnesses [#125, #127, #151, #153, #155] are DISMISSED WITHOUT PREJUDICE to any objections the parties may wish to raise at trial. If a party wishes to challenge expert testimony at trial, the Court will recess the jury, receive the testimony, and then making a ruling as to whether the testimony should be excluded, with the time

consumed in ruling on the objection to be docketed against whichever party is unsuccessful in propounding or resisting the objection;

IT IS FURTHER ORDERED that Plaintiff's Motion to Withdraw Motion to Exclude Expert Testimony by Brenda Morris [#147] is GRANTED;

IT IS FURTHER ORDERED that Defendant's Motion to Preserve Attorneys'-Eyes-Only Designation on the Expert Report of Karsten Zengler [#157] is GRANTED;

IT IS FINALLY ORDERED that the parties' Motions to Seal [#163, #172, #175] are GRANTED.

SIGNED this the 13th day of June 2019.



SAM SPARKS
SENIOR UNITED STATES DISTRICT JUDGE